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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,493	08/25/2003	Walter Taehwan Kim	WTK.P001	2379

7590

04/06/2005

Walter T. Kim
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EXAMINER

JOHNSON, BLAIR M

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/647,493	Applicant(s) KIM, WALTER TAEHWAN	
	Examiner Blair M. Johnson	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,5 and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by both Thompson, II and Marjahn.

Only the sunshade is recited. The sunshades of Thompson, II and Marjahn are capable of being supported by the vehicle as functionally recited.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 and 15-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNelis in view of either Murjahn or Chen et al.

Only the sunshade is recited in claims 1-11 and 15-18. The sunshade of McNelis capable of being supported by the vehicle as functionally recited.

McNelis discloses a glare visor, or shade. What is not shown is the removable aspect and the ability of the device to be slid between the window and the seal therearound. However, each of Murjahn and Chen provide a plastic shade which teach this feature. Chen et al states that the upper edge of his shade fits within top channel 44

Art Unit: 3634

when the window is closed. In view of these teachings, it would have been obvious to modify McNelis whereby his shade is removable and capable of fitting between the window and any of the surrounding seals. The shape of the device to fit in specific windows is clearly an obvious design choice so as to provide the best shading characteristics. The specific light blocking and degree of transparency (as best understood) characteristics are also considered to be obvious. For instance, if more shading is desired, more tinting can be provided. Murjahn specifically states this in column 2, lines 5-9.

Regarding claim 11, the third "section" is the section not engaged with the seals. Regarding claim 23, the shade is so shaped subject to the location of the shade and the person.

The Chen et al (see Fig. 1) and Murjahn (column 2, line 59) devices are flexible.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNelis in view of either Murjahn or Chen et al as applied above, and further in view of Bittner.

Bittner discloses elements 30 for providing friction between the shade and the seal/window frame. It would have been obvious to modify McNelis to have such a feature on the sides which engage the window frame so as to similarly maintain the shade in place. The portions of the shade between the edges having such friction providing means is of a different thickness.

While the teaching of flexible material is provided by both Chen et al and Murjahn, they also teach an inherent "semi-rigid" feature since such a recitation is also very relative.

Claims 26 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Idland in view of either Murjahn or Chen et al.

Murjahn and Chen et al are applied here as above. Idland discloses that his shades may be overlapped so as to provide different shading characteristics, column 2, lines 60-68. This composite of sheets meets claim 29.

Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bittner in view of Thompson.

Bittner does not specifically disclose that his device is capable of fitting between the window and the frame. However, such is old as taught by Thompson. In view of this teaching, it would have been obvious to modify Bittner so that his shade is usable when the window is raised.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

The amendments have overcome the 112 rejections.

The structure claims recite only the shade. The shades of the references relied upon are capable of being supported on the window and frame as functionally recited. For example, the Thompson and Marjahn references do not have to engage the window and sealing member but merely to be able to so be supported. The same is true of

Art Unit: 3634

Chen, as well as the other references relied upon, i.e. the shades are clearly capable of engaging the seal, which would further support them.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

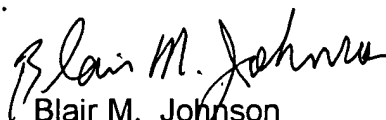
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (703) 308-0526. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Blair M. Johnson
Primary Examiner
Art Unit 3634

BMJ
4/4/05